IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9157 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

C.C. PARMAR - Respondent(s)

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Appearance :

MR HARDIK C RAWAL for Petitioner(s) : 1,
MR PK HANDA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 14/09/2005

ORAL JUDGMENT

1. In this petition, the petitioner State Road Transport Corporation has challenged the legality of an award dated 1/11/2002 passed by Industrial Tribunal. The

respondent workman was engaged as a conductor. Upon checking it was found that the workman was carrying ticketless passengers though fare was collected from them. On account of this misconduct a charge sheet came to be issued. The disciplinary authority imposed punishment of withholding of four increments with future effect. Appeal of the workman was allowed in part and the punishment was reduced to withholding of four increments without future effect. This order was passed on 23/11/1994. The workman challenged the penalty before the Industrial Tribunal. Industrial Tribunal further reduced the penalty and provided with a fine of Rs. 200/- will be levied from the workman.

2. In my view the Industrial Tribunal erred in setting aside the penalty imposed by the employer. Charge of carrying ticketless passengers was proved against the respondent. The penalty of withholding of four increments without future effect cannot be termed as harsh and extensive. The Industrial Tribunal ought not to have interfered with the quantum of punishment. The award of the Industrial Tribunal is required to be and is hereby set aside.

3. Learned Advocate Mr. Handa appearing for the workman however submitted that even considering the penalty of withholding of four increments without future effect imposed on 23rd November, 1994, the petitioner has not released the increments of the workman falling due thereafter. If that be so, after implementing the original penalty of withholding of four increments without future effect from 23rd November, 1994 the pay of the workman will be regulated by the petitioner corporation.

4. Subject to above observations, petition is allowed. Rule is made absolute with no order as to costs.

(Akil Kureshi, J.)

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